

By Senator DiCeglie

18-01480-25

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1                   A bill to be entitled  
2           An act relating to election dates for municipal  
3           office; amending s. 100.3605, F.S.; requiring that  
4           elections for municipal offices be held on the same  
5           date as the general election; requiring a municipality  
6           that requires a runoff format to hold its initial  
7           election on the same date as the primary election and  
8           the runoff election on the same date as the general  
9           election; providing an exception; preempting to the  
10          state the authority to establish election dates for  
11          municipal elections; amending s. 100.361, F.S.;  
12          requiring that municipal recall elections be held  
13          concurrently with municipal elections under certain  
14          conditions; repealing s. 101.75, F.S., relating to  
15          change of dates for cause in municipal elections;  
16          extending the terms of incumbent elected municipal  
17          officers until the next municipal election; providing  
18          an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Section 100.3605, Florida Statutes, is amended  
23 to read:

24           100.3605 Conduct of municipal elections.—

25           (1) The Florida Election Code, chapters 97-106, shall  
26 govern the conduct of a municipality's election in the absence  
27 of an applicable special act, charter, or ordinance provision.  
28 No charter or ordinance provision may ~~shall~~ be adopted which  
29 conflicts with or exempts a municipality from any provision in

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30 the Florida Election Code that expressly applies to  
31 municipalities.

32 (2) (a) Except as provided in paragraph (b):

33 1. Each election for municipal office within a county must  
34 be held on the same date as the general election.

35 2. If a municipal charter or ordinance requires a runoff  
36 format for the municipality's elections for municipal office,  
37 the municipality must hold its initial election on the same date  
38 as the primary election on the Tuesday 11 weeks before the  
39 general election, and the runoff must be held on the same date  
40 as the general election.

41 (b) This section does not affect the manner in which  
42 vacancies in municipal office are filled or recall elections for  
43 municipal officers are conducted.

44 (c) Notwithstanding any general law, special law, local  
45 law, municipal charter, or municipal ordinance, this subsection  
46 provides the exclusive method for establishing the dates of  
47 elections for municipal office in this state. Any general law,  
48 special law, local law, municipal charter, or municipal  
49 ordinance that conflicts with this subsection is superseded to  
50 the extent of the conflict.

51 (3) The governing body of a municipality may, by ordinance,  
52 ~~change the dates for qualifying and for the election of members~~  
53 ~~of the governing body of the municipality and~~ provide for the  
54 orderly transition of office resulting from election ~~such~~ date  
55 changes.

56 Section 2. Subsection (4) of section 100.361, Florida  
57 Statutes, is amended to read:

58 100.361 Municipal recall.—

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59 (4) RECALL ELECTION.—If the person designated in the  
60 petition files with the clerk, within 5 days after the last-  
61 mentioned notice, his or her written resignation, the clerk must  
62 immediately ~~shall at once~~ notify the governing body of that  
63 fact, and the resignation is ~~shall be~~ irrevocable. The governing  
64 body shall then proceed to fill the vacancy according to the  
65 provisions of the appropriate law. In the absence of a  
66 resignation, the chief judge of the judicial circuit in which  
67 the municipality is located shall fix a day for holding a recall  
68 election for the removal of those not resigning. Any such  
69 election must ~~shall~~ be held not less than 30 days or more than  
70 60 days after the expiration of the 5-day period last-mentioned  
71 and at the same time as any other general, municipal, or special  
72 election held within the period; but if no such election is to  
73 be held within that period, the judge must ~~shall~~ call a special  
74 recall election to be held within the period aforesaid.

75 Section 3. Section 101.75, Florida Statutes, is repealed.

76 Section 4. To provide for an orderly transition of office,  
77 the terms of incumbent elected municipal officers are extended  
78 until the next municipal election held in accordance with this  
79 act.

80 Section 5. This act shall take effect July 1, 2025.